

## **IC 26-2-6**

### **Chapter 6. Service for Audio or Visual Entertainment Products**

#### **IC 26-2-6-1**

##### **Definitions**

Sec. 1. As used in this chapter:

"Adequate service information" means facts sufficient to enable a service representative or independent service facility to repair a product, including detailed schematic diagrams, operational voltages, and parts identification.

"Audio or visual entertainment product" means an electronic product that:

- (1) generates electronic signals or uses amplification devices, such as a radio, an item of audio playback or recording equipment, a television, or a video playback or recording unit; and
- (2) is purchased by a consumer primarily for personal, family, or household uses and not for business or agricultural uses.

"Authorized service representative" means until July 1, 1996, any dealer of audio or visual entertainment products licensed under IC 25-36-1 who has been designated by a manufacturer as one (1) of the dealers who will be reimbursed for service or repairs that he may render, including labor or parts, in connection with an express warranty of the product made by the manufacturer.

"Independent service facility" means any dealer of audio or visual entertainment products who:

- (1) has not been designated an "authorized service representative" by a manufacturer;
- (2) services audio or visual entertainment products without reimbursement from the manufacturer in connection with an express warranty made by the manufacturer;
- (3) until July 1, 1996, is licensed as a television and radio service technician under IC 25-36-1.

*As added by P.L.254-1983, SEC.2. Amended by P.L.234-1995, SEC.29.*

#### **IC 26-2-6-2**

##### **Duty of manufacturer under express warranty**

Sec. 2. A manufacturer who makes an express warranty in connection with the sale of an audio or visual entertainment product shall do the following:

- (1) Authorize a representative within a designated service area to provide any service or repair required under the terms of the warranty.
- (2) Reimburse the authorized service representative for any service or repair, including labor and parts, made in connection with the express warranty in an amount negotiated between the manufacturer and the authorized service representative. However, reimbursement or exchange for all parts used in such warranty repairs shall include all transportation costs and a

reasonable fee for handling. The handling fee is to be negotiated as part of the authorization proceedings.

(3) Except for audio or visual entertainment products having a retail selling price less than fifty dollars (\$50), make available to service representatives or independent service facilities adequate service information and replacement parts for the audio or visual entertainment product for at least seven (7) years after the date that product model or type was manufactured, regardless of whether the product is still under warranty.

(4) Make available any service part to service representatives or independent service facilities within forty-five (45) days of receipt of an order for that part, regardless of whether the product is still under warranty; however, if a delay in providing that part is caused by conditions beyond the control of the manufacturer, the manufacturer shall provide the service representative or independent service facility with a replacement part promptly upon termination of the condition causing the delay.

*As added by P.L.254-1983, SEC.2.*

### **IC 26-2-6-3**

#### **Timeliness of service or repair**

Sec. 3. Whenever authorized service representatives or independent service facilities undertake to service or repair an audio or visual entertainment product, they shall do the following:

(1) Provide services or make repairs on the product within forty-five (45) days of receipt of that product, regardless of whether the product is covered by an express warranty; or

(2) Notify the consumer requesting the service or repair if a part necessary to effect the repair or service is not immediately available and order the necessary part, within fifteen (15) days of receipt of the product; and

(3) Repair or service the product within thirty (30) days of receipt of the ordered part, unless the consumer agrees otherwise. However, if a delay in completing the requested service or repair is caused by a condition beyond the control of the authorized service representative or independent service facility, the authorized service representative or independent service facility shall repair or service the audio or visual entertainment product upon termination of the condition causing the delay.

*As added by P.L.254-1983, SEC.2.*

### **IC 26-2-6-4**

#### **Actions by consumers to recover damages**

Sec. 4. A consumer may bring an action on his own behalf to recover damages resulting from a violation of this chapter. In addition to any other remedies available to the consumer, the court may:

- (1) order replacement of the audio or visual entertainment product, the cost of which is to be borne by the manufacturer, manufacturer's agent or importer; or
- (2) order damages in an amount equal to three (3) times the damages sustained due to the violation, plus reasonable attorney's fees.

*As added by P.L.254-1983, SEC.2.*

#### **IC 26-2-6-5**

##### **Injunctive relief**

Sec. 5. (a) The attorney general may bring an action on behalf of the state to obtain an injunction to enjoin noncompliance with this chapter. In this action the court may:

- (1) order replacement of the audio or visual entertainment product, the cost of which is to be borne by the manufacturer, manufacturer's agent or importer;
- (2) order a person who violates section 2 or section 3 of this chapter to pay restitution to the aggrieved party; or
- (3) void or limit the application of:
  - (A) contracts; or
  - (B) contract clauses;that are in conflict with this chapter.

(b) The court issuing an injunction under this chapter shall retain jurisdiction and the cause shall be continued.

*As added by P.L.254-1983, SEC.2.*

#### **IC 26-2-6-6**

##### **Violations; action for recovery of penalties**

Sec. 6. (a) A person who knowingly violates this chapter commits a Class C infraction. Each violation of this chapter constitutes a separate infraction.

(b) In addition to any other available legal remedy, a person who violates the terms of an injunction issued under section 5 of this chapter commits a Class A infraction. Each violation of the terms of an injunction issued under section 5 of this chapter constitutes a separate infraction. Whenever the court determines that the terms of an injunction issued under section 5 of this chapter have been violated, the court shall award reasonable costs to the state.

(c) Notwithstanding IC 34-28-5-1(a), the prosecuting attorney or the attorney general in the name of the state may bring an action to petition for the recovery of the penalties outlined in this section.

*As added by P.L.254-1983, SEC.2. Amended by P.L.1-1998, SEC.137.*

#### **IC 26-2-6-7**

##### **Actions by service representatives or facilities to recover for violations**

Sec. 7. An authorized service representative or independent service facility may bring an action on his own behalf to recover for a violation of this chapter, and, in addition to other remedies, may

obtain damages in an amount equal to three (3) times the damages sustained due to the violation, plus reasonable attorney fees.

*As added by P.L.254-1983, SEC.2.*